

## REMARKS

### **Claim of Priority**

The claim of priority to U.S. Provisional Application Ser. No. 60/267,952 filed on February 9, 2001, is alleged to be defective because the subsequent application (U.S. Application Ser. No. 10/074,604 filed on February 11, 2002) was not filed within 1 year of the provisional filing date as required by 35 U.S.C. § 119(e). This objection is respectfully traversed.

35 U.S.C. 119(e)(3) provides that where the 1-year date after filing a provisional application falls on a Saturday, Sunday, or federal holiday, the pendency of the a provisional application is extended to the next succeeding business day. See *also* 37 C.F.R. 1.7(b) ("If the day that is twelve months after the filing date of a provisional application under 35 U.S.C. 111(b) and § 1.53(c) falls on Saturday, Sunday, or on a Federal holiday within the District of Columbia, the period of pendency shall be extended to the next succeeding secular or business day which is not a Saturday, Sunday, or a Federal holiday.")

In the instant case, February 9, 2002 fell on a Saturday. See Exh. A. Thus, the pendency of the February 9, 2001 provisional application was statutorily extended to February 11, 2002, a Monday. The '604 application was timely filed on February 11, 2002, and the claim of priority to the '952 provisional application is valid. It is therefore respectfully requested that the objection to the claim of priority be withdrawn.

### **Claim Amendments**

As previously noted, claims 1-7, 11-17, 20-29, 31-41, 43-53, and 56-58 presently stand rejected under 35 U.S.C. § 102(b) and 103(a) as allegedly unpatentable over various items. Without acquiescence in the grounds of the rejection, Applicant herein has amended claims 1, 13, 24, 35, and 46 to incorporate the subject matter of the relevant allowed claims, including any intervening claims.

Specifically, the subject matter of claim 8 has been incorporated into claim 1; the subject matter of claims 17 and 18 has been incorporated into claim 13; the subject matter of claims 29 and 30 has been incorporated into claim 24; the subject matter of claims 36, 40 and 42 has been incorporated into claim 35; and the subject matter of claim 54 has been incorporated into claim 46. It is respectfully submitted that claims 1, 13, 24, 35, and 46 are thus placed in allowable form. Claims 8, 17, 18, 29, 30, 36, 40, 42, and 54 have been cancelled in view of the incorporation of their subject matter into their respective independent claims.

In incorporating the subject matter of claim 8 into claim 1, Applicant has corrected the term "spectrally weighted difference signal" in claim 8 to read "spectrally weighted stereo difference signal" so as to refer back to the proper signal, and to clarify the antecedent basis. It is respectfully submitted that this correction is not substantive in nature and does not affect the allowability of claim 8.

Similarly, in incorporating the subject matter of claim 40 into claim 35, Applicant has corrected the term "bass-enhanced stereo difference signal" in claim 40 to read "spectrally weighted stereo difference signal" so as to refer back to the proper signal, and to clarify the antecedent basis. It is respectfully submitted that this correction is not substantive in nature and does not affect the allowability of the instant claims. This change also addresses the claim rejection under 35 U.S.C. § 112, ¶ 2, which is now moot.

Claims 9, 10, 19, 20, 31, 37, 41, 43, 44, and 55, all of which are dependent claims, have each been amended to refer back to the appropriate base claims, in view of cancellation of the claims from which they previously depended and incorporation of the subject matter of the canceled claims into the independent claims.

**Request for Allowance**


In view of the foregoing, it is believed that the present application stands in condition for final allowance, and a notice of allowance is earnestly solicited.

Respectfully submitted,

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